

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Panchayats – Chinthapally Gram Panchayat and Mandal, Nalgonda District - Appeal Petition filed by Sri Kommu Yadaiah, Sarpanch, Removed under Section 249(1) of A.P.P.R. Act, 1994 by the District Collector (PW), Nalgonda District for Misappropriation of an amount of Rs. 1,75,818/- Stay granted – Appeal Petition disallowed – Stay vacated – Orders – Issued.

PANCHAYAT RAJ AND RURAL DEVELOPMENT (PTS.II) DEPARTMENT

G.O. Rt No.1469

Dated: 3-10-2008.

Read the following:-

- 1) From the District Collector, (PW), Nalgonda District, Procs. No. 1728/07-B1 (Pts), dt. 15-07-2008.
- 2) From Sri Kommu Yadaiah, Sarpanch, Removed, Chinthapally Gram Panchayat and Mandal, Nalgonda District Appeal Petition dated. 21-07-08.
- 3) Govt. Memo.No. 17086/PTS-II/A1/2008-1, dt. 22-07-2008.
- 4) Affidavit filed by Sri P. Venanna, Upa-Sarpanch, Chintapalli Gram Panchayat, Nalgonda Dist., dt 13-08-08.
- 5) Telegram No. 17086/PTS-II/A1/2008-2, dt. 25-08-2008.
- 6) From the District Collector, (PW), Nalgonda District, Procs. No. 1728/07-B1 (Pts), dt. 25-08-2008.

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ORDER:

In the reference 1st read above, the District Collector (PW), Nalgonda District has removed to Sri Kommu Yadaiah, Sarpanch, Chinthapally Gram Panchayat and Mandal of Nalgonda District from the Post of Sarpanch under section 249(1) & 265 (1) of APPR Act, 1994 for misappropriation of Gram Panchayat Funds.

2. In the reference 2nd read above, Aggrieved by the said orders, Sri Kommu Yadaiah, Sarpanch (Removed), Chinthapally Gram Panchayat and Mandal, Nalgonda District has filed an Appeal Petition before the Government under section 249 (7) of APPR Act, 1994 against the orders of the District Collector (PW), Nalgonda dt.15.7.2008.

3. In the reference 3rd read above, Government have granted stay orders against the District Collector Proceedings dated 15-07-08 and requested to the District Collector (PW) Nalgonda to furnish his report along with his specific remarks.

4. In the mean time Sri P. Venkanna, Upa Sarpanch, Chinthapally Gram Panchayat and Mandal of Nalgonda District has filed Affidavit Petition before the Government and Prayed pleased to vacate the Interim Order in Govt.Memo.No.17086/Pts.II/A1/2008, dated 22-07-08 and permit the Upa-Sarpanch to take charge as Sarpanch, Chinthapally Gram Panchayat and Mandal of Nalgonda District vide reference 4th read above. The Hon'ble High Court in the W.P. No. 16707/08 has issued directions to Government that the application file by the petitioner (i.e Upa Sarpanch) to dispose off as expeditiously as possible preferably a period of two weeks from the date of receipt of application.

5. In the Reference 5th read above, informed to all concerned to attend hearing on 29-08-08.

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6. In the reference 6th read above the District Collector (PW), Nalgonda District has submitted his report along with specific remarks.

7. The case was heard on 29-08-08. Both parties and unofficial respondent also appeared through his advocate and also filed the written arguments. The Petitioner has pleaded his innocence and contended that he has not misappropriated Gram Panchayat funds as alleged in the impugned proceedings. He has further contended that all the amounts spent by him from Gram Panchayat funds are for the works taken up in Gram Panchayat. He has therefore requested that the impugned orders may be set-aside. The respondent Advocate has argued that the Petitioner failed to prove his innocence during the opportunity provided to him by the District Panchayat Officer.

8. Government have gone through the record and found that the Petitioner in spite of given ample opportunity, he could not prove himself not guilty of the charges levelled against him. There is a conclusive proof that the Petitioner has misutilised and misappropriated an amount of Rs. 1,75,818/- and found no irregularity, illegality and impropriety in the orders passed by the District Collector (PW), Nalgonda. Therefore Government hereby vacate the stay granted in the reference 3rd read above and the Revision Petition filed by Sri Kommu Yadaiah, Sarpanch, Chinthapally Gram Panchayat and Mandal, Nalgonda District is dismissed.

9. The District Collector (PW), Nalgonda District shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

CHITRA RAMCHANDRAN
SECRETARY TO GOVERNMENT

To
Sri Kommu Yadaiah, Sarpanch, Chinthapally Gram Panchayat and Mandal, Nalgonda District
The Collector (PW), Nalgonda District.

Copy to:-

The Commissioner, PR & RE, A.P., Hyderabad.
The District Panchayat Officer, Nalgonda District.
Sri P. Venkanna, Upa Sarpanch, Chinthapally Gr. Pt., and Mandal of Nalgonda District.
Sf/Sc.

// FORWARDED BY ORDER //

SECTION OFFICER